

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

In re:

R FRANCIS DIPRETE  
Debtor

BK-19-11151  
CHAPTER 13

MOTION TO DISMISS

John Boyajian, Trustee in the above-entitled matter, moves this Court to dismiss the within Chapter 13 proceedings.

The Debtor filed his Chapter 13 petition on July 23, 2019. On July 30, 2019, the Trustee wrote to the Debtor informing him that the Bankruptcy Code provided that the first payment proposed under his Plan was due within thirty (30) days of the filing of his petition. 11 U.S.C. §1326(a)(1). As of the date of the filing of this Motion, no payments have been made by the Debtor.

Because of the Debtor's failure to make payments pursuant to 11 U.S.C. §1326(a)(1), the Trustee requests, pursuant to 11 U.S.C. §1307(c)(4) that this case be dismissed.

/s/ John Boyajian  
John Boyajian, Trustee  
400 Westminster Street, Box 12  
Providence, RI 02903  
Tel: (401) 223-5550  
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Within fourteen (14) days after service, if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail or other excepted means specified, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATION

I hereby certify that a copy of the within Motion was mailed, postage prepaid, to Mr. R. Francis DiPrete, 255 Ide Road, Scituate, RI 02857 on October 1, 2019.

/s/ Theresa S. French